

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 388**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Education, May 14, 2013, with recommendation that the Senate Committee Substitute do pass.

1176S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 161.092, 162.081, 162.083, 168.221, 168.291, 171.181, and 178.550, RSMo, and to enact in lieu thereof nineteen new sections relating to elementary and secondary education, with existing penalty provisions and an emergency clause for certain sections.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 161.092, 162.081, 162.083, 168.221, 168.291, 171.181, 2 and 178.550, RSMo, are repealed and nineteen new sections enacted in lieu 3 thereof, to be known as sections 161.092, 161.248, 161.249, 162.081, 162.083, 4 162.1300, 167.800, 167.803, 167.806, 167.809, 167.812, 167.818, 167.821, 167.824, 5 168.221, 171.181, 171.415, 178.550, and 1, to read as follows:

161.092. The state board of education shall:

- 2 (1) Adopt rules governing its own proceedings and formulate policies for  
3 the guidance of the commissioner of education and the department of elementary  
4 and secondary education;
- 5 (2) Carry out the educational policies of the state relating to public  
6 schools that are provided by law and supervise instruction in the public schools;
- 7 (3) Direct the investment of all moneys received by the state to be applied  
8 to the capital of any permanent fund established for the support of public  
9 education within the jurisdiction of the department of elementary and secondary  
10 education and see that the funds are applied to the branches of educational  
11 interest of the state that by grant, gift, devise or law they were originally  
12 intended, and if necessary institute suit for and collect the funds and return them  
13 to their legitimate channels;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 (4) Cause to be assembled information which will reflect continuously the  
15 condition and management of the public schools of the state;

16 (5) Require of county clerks or treasurers, boards of education or other  
17 school officers, recorders and treasurers of cities, towns and villages, copies of all  
18 records required to be made by them and all other information in relation to the  
19 funds and condition of schools and the management thereof that is deemed  
20 necessary;

21 (6) Provide blanks suitable for use by officials in reporting the information  
22 required by the board;

23 (7) When conditions demand, cause the laws relating to schools to be  
24 published in a separate volume, with pertinent notes and comments, for the  
25 guidance of those charged with the execution of the laws;

26 (8) Grant, without fee except as provided in section 168.021, certificates  
27 of qualification and licenses to teach in any of the public schools of the state,  
28 establish requirements therefor, formulate regulations governing the issuance  
29 thereof, and cause the certificates to be revoked for the reasons and in the  
30 manner provided in section 168.071;

31 (9) Classify the public schools of the state, subject to limitations provided  
32 by law **and subdivision (14) of this section**, establish requirements for the  
33 schools of each class, and formulate rules governing the inspection and  
34 accreditation of schools preparatory to classification, with such requirements  
35 taking effect not less than two years from the date of adoption of the proposed  
36 rule by the state board of education, provided that this condition shall not apply  
37 to any requirement for which a time line for adoption is mandated in either  
38 federal or state law;

39 (10) Make an annual report on or before the first Wednesday after the  
40 first day of January to the general assembly or, when it is not in session, to the  
41 governor for publication and transmission to the general assembly. The report  
42 shall be for the last preceding school year, and shall include:

43 (a) A statement of the number of public schools in the state, the number  
44 of pupils attending the schools, their sex, and the branches taught;

45 (b) A statement of the number of teachers employed, their sex, their  
46 professional training, and their average salary;

47 (c) A statement of the receipts and disbursements of public school funds  
48 of every description, their sources, and the purposes for which they were  
49 disbursed;

50 (d) Suggestions for the improvement of public schools; and  
51 (e) Any other information relative to the educational interests of the state  
52 that the law requires or the board deems important;

53 (11) Make an annual report to the general assembly and the governor  
54 concerning coordination with other agencies and departments of government that  
55 support family literacy programs and other services which influence educational  
56 attainment of children of all ages;

57 (12) Require from the chief officer of each division of the department of  
58 elementary and secondary education, on or before the thirty-first day of August  
59 of each year, reports containing information the board deems important and  
60 desires for publication;

61 (13) Cause fifty copies of its annual report to be reserved for the use of  
62 each division of the state department of elementary and secondary education, and  
63 ten copies for preservation in the state library;

64 (14) **Promulgate rules under which the board shall classify the**  
65 **public schools of the state; provided that the appropriate scoring**  
66 **guides, instruments, and procedures used in determining the**  
67 **accreditation status of a district shall be subject to a public meeting**  
68 **upon notice in a newspaper of general circulation in each of the three**  
69 **most populous cities in the state and also a newspaper that is a**  
70 **certified minority business enterprise or woman-owned business**  
71 **enterprise in each of the two most populous cities in the state, and**  
72 **notice to each district board of education, each superintendent of a**  
73 **school district, and to the speaker of the house of representatives, the**  
74 **president pro tempore of the senate, and the members of the joint**  
75 **committee on education, at least fourteen days in advance of the**  
76 **meeting, which shall be conducted by the department of elementary**  
77 **and secondary education not less than ninety days prior to their**  
78 **application in accreditation, with all comments received to be reported**  
79 **to the state board of education;**

80 (15) Have other powers and duties prescribed by law.

161.248. 1. **The state board of education shall designate a staff**  
2 **person who is in charge of educational programs for gifted and talented**  
3 **children. This staff person shall, at a minimum:**

4 (1) **Be responsible for developing an approval process for**  
5 **educational programs for gifted and talented children by no later than**

6 September 1, 2014;

7 (2) Receive and maintain the written descriptions of all  
8 programs for gifted and talented children in the state;

9 (3) Collect and maintain the annual growth in learning data  
10 submitted by a school, school district, or cooperative of school districts;

11 (4) Identify potential funding sources for the education of gifted  
12 and talented children; and

13 (5) Serve as the main contact person at the state board of  
14 education for program supervisors and other school officials, parents,  
15 and other stakeholders regarding the education of gifted and talented  
16 children.

17 2. The state board of education may perform a variety of  
18 additional administrative functions with respect to the education of  
19 gifted and talented children, including, but not limited to: supervision;  
20 quality assurance; compliance monitoring; oversight of local programs;  
21 analysis of performance outcome data submitted by local educational  
22 agencies; the establishment of personnel standards; and a program of  
23 personnel development for teachers and administrative personnel in  
24 the education of gifted and talented children.

161.249. 1. There is hereby created the "Advisory Council on the  
2 Education of Gifted and Talented Children" which shall consist of seven  
3 members appointed by the commissioner of education. Members shall  
4 serve a term of four years, except for the initial appointments, which  
5 shall be for the following lengths:

6 (1) One member shall be appointed for a term of one year;

7 (2) Two members shall be appointed for a term of two years;

8 (3) Two members shall be appointed for a term of three years;

9 (4) Two members shall be appointed for a term of four years.

10 2. Upon the expiration of the term of a member, that member  
11 shall continue to serve until a replacement is appointed. The council  
12 shall organize with a chairperson selected by the commissioner of  
13 education. Members of the council shall serve without compensation  
14 and shall not be reimbursed for travel to and from meetings.

15 3. The commissioner of education shall consider  
16 recommendations for membership on the council from organizations of  
17 educators and parents of gifted and talented children and other groups  
18 with an interest in the education of gifted and talented children. The

19 **members appointed shall be residents of the state of Missouri and**  
20 **selected on the basis of their knowledge of, or experience in, programs**  
21 **and problems of the education of gifted and talented children.**

22 **4. The commissioner of education shall seek the advice of the**  
23 **council regarding all rules and policies to be adopted by the state**  
24 **board of education relating to the education of gifted and talented**  
25 **children. A staff person appointed by the state board of education shall**  
26 **serve as the state board's liaison to the council. The state board of**  
27 **education shall provide necessary clerical support and assistance in**  
28 **order to facilitate meetings of the council.**

162.081. 1. Whenever any school district in this state fails or refuses in  
2 any school year to provide for the minimum school term required by section  
3 163.021 or is classified unaccredited [for two successive school years by the state  
4 board of education, its corporate organization shall lapse. The corporate  
5 organization of any school district that is classified as unaccredited shall lapse  
6 on June thirtieth of the second full school year of such unaccredited classification  
7 after the school year during which the unaccredited classification is initially  
8 assigned. The territory theretofore embraced within any district that lapses  
9 pursuant to this section or any portion thereof may be attached to any district for  
10 school purposes by the state board of education; but no school district, except a  
11 district classified as unaccredited pursuant to section 163.023 and section 160.538  
12 shall lapse where provision is lawfully made for the attendance of the pupils of  
13 the district at another school district that is classified as provisionally accredited  
14 or accredited by the state board of education], **the state board of education**  
15 **shall:**

16 **(1) Review the governance of the district to establish the**  
17 **conditions under which the existing school board shall continue to**  
18 **govern; or**

19 **(2) Determine the date the district shall lapse and determine an**  
20 **alternative governing structure for the district.**

21 **2. [Prior to or] If at the time any school district in this state shall [lapse,**  
22 **but after the school district has been] be classified as unaccredited, the**  
23 **department of elementary and secondary education shall conduct [a] at least**  
24 **two public [hearing] hearings at a location in the unaccredited school district**  
25 **regarding the accreditation status of the school district. The hearings**  
26 **shall provide an opportunity to convene community resources that may**

27 **be useful or necessary in supporting the school district as it attempts**  
28 **to return to accredited status, continues under revised governance, or**  
29 **plans for continuity of educational services and resources upon its**  
30 **attachment to a neighboring district. The department may request the**  
31 **attendance of stakeholders and district officials to review the district's**  
32 **plan to return to accredited status, if any; offer technical assistance;**  
33 **and facilitate and coordinate community resources.** [The purpose of the  
34 hearing shall be to:

35 (1) Review any plan by the district to return to accredited status; or

36 (2) Offer any technical assistance that can be provided to the district.

37 3. Except as otherwise provided in section 162.1100, in a metropolitan  
38 school district or an urban school district containing most or all of a city with a  
39 population greater than three hundred fifty thousand inhabitants and in any  
40 other school district if the local board of education does not anticipate a return  
41 to accredited status, the state board of education may appoint a special  
42 administrative board to supervise the financial operations, maintain and preserve  
43 the financial assets or, if warranted, continue operation of the educational  
44 programs within the district or what provisions might otherwise be made in the  
45 best interest of the education of the children of the district. The special  
46 administrative board shall consist of two persons who are residents of the school  
47 district, who shall serve without compensation, and a professional administrator,  
48 who shall chair the board and shall be compensated, as determined by the state  
49 board of education, in whole or in part with funds from the district.

50 4.] **3. Upon [lapse of the district] classification of a district as**  
51 **unaccredited**, the state board of education may:

52 (1) **Allow continued governance by the existing school district**  
53 **board of education under terms and conditions established by the state**  
54 **board of education; or**

55 (2) **Lapse the corporate organization of the unaccredited district**  
56 **and:**

57 (a) Appoint a special administrative board, [if such a board has not  
58 already been appointed, and authorize the special administrative board to retain  
59 the authority granted to a board of education] for the operation of all or part of  
60 the district. **The number of members of the special administrative board**  
61 **shall not be less than five, the majority of whom shall be residents of**  
62 **the district. The members of the special administrative board shall**

63 reflect the population characteristics of the district and shall  
64 collectively possess strong experience in school governance,  
65 management and finance, and leadership. Any special administrative  
66 board appointed under this section shall be responsible for the  
67 operation of the district until such time that the district is classified by  
68 the state board of education as provisionally accredited for two  
69 successive academic years, after which time the state board of  
70 education may provide for a transition pursuant to section 162.083; or

71 [(2)] (b) Determine an alternative governing structure for the  
72 district including, at a minimum:

73 a. A rationale for the decision to use an alternative form of  
74 governance and in the absence of the district's achievement of full  
75 accreditation, the state board of education shall review and recertify  
76 the alternative form of governance every three years;

77 b. A method for the residents of the district to provide public  
78 comment after a stated period of time or upon achievement of specified  
79 academic objectives;

80 c. Expectations for progress on academic achievement, which  
81 shall include an anticipated time line for the district to reach full  
82 accreditation; and

83 d. Annual reports to the general assembly and the governor on  
84 the progress towards accreditation of any district that has been  
85 declared unaccredited and is placed under an alternative form of  
86 governance, including a review of the effectiveness of the alternative  
87 governance; or

88 (c) Attach the territory of the lapsed district to another district or  
89 districts for school purposes; or

90 [(3)] (d) Establish one or more school districts within the territory of the  
91 lapsed district, with a governance structure [consistent with the laws applicable  
92 to districts of a similar size] **specified by the state board of education**, with  
93 the option of permitting a district to remain intact for the purposes of assessing,  
94 collecting, and distributing property taxes, to be distributed equitably on a  
95 weighted average daily attendance basis, but to be divided for operational  
96 purposes, which shall take effect sixty days after the adjournment of the regular  
97 session of the general assembly next following the state board's decision unless  
98 a statute or concurrent resolution is enacted to nullify the state board's decision

99 prior to such effective date. [The special administrative board may retain the  
100 authority granted to a board of education for the operation of the lapsed school  
101 district under the laws of the state in effect at the time of the lapse.]

102 **[5.] 4. A special administrative board appointed under this**  
103 **section shall retain the authority granted to a board of education for**  
104 **the operation of the lapsed school district under the laws of the state**  
105 **in effect at the time of the lapse and may enter into contracts with**  
106 **accredited school districts or other education service providers in**  
107 **order to deliver high quality educational programs to the residents of**  
108 **the district. If a student graduates while attending a school building**  
109 **in the district that is operated under a contract with an accredited**  
110 **school district as specified under this subsection, the student shall**  
111 **receive his or her diploma from the accredited school district. The**  
112 authority of the special administrative board shall expire at the end of the third  
113 full school year following its appointment, unless extended by the state board of  
114 education. If the lapsed district is reassigned, the special administrative board  
115 shall provide an accounting of all funds, assets and liabilities of the lapsed  
116 district and transfer such funds, assets, and liabilities of the lapsed district as  
117 determined by the state board of education. **Neither the special**  
118 **administrative board nor its members or employees shall be deemed to**  
119 **be the state or a state agency for any purpose, including section**  
120 **105.711, et seq. The state of Missouri, its agencies and employees, shall**  
121 **be absolutely immune from liability for any and all acts or omissions**  
122 **relating to or in any way involving the lapsed district, the special**  
123 **administrative board, its members or employees. Such immunities, and**  
124 **immunity doctrines as exist or may hereafter exist benefitting boards**  
125 **of education, their members and their employees shall be available to**  
126 **the special administrative board, its members and employees.**

127 **[6. Upon recommendation of the special administrative board, the state**  
128 **board of education may assign the funds, assets and liabilities of the lapsed**  
129 **district to another district or districts. Upon assignment, all authority of the**  
130 **special administrative board shall transfer to the assigned districts.**

131 **7.] 5. Neither the special administrative board nor any district or other**  
132 **entity assigned territory, assets or funds from a lapsed district shall be**  
133 **considered a successor entity for the purpose of employment contracts,**  
134 **unemployment compensation payment pursuant to section 288.110, or any other**

135 purpose.

136 [8.] 6. If additional teachers are needed by a district as a result of  
137 increased enrollment due to the annexation of territory of a lapsed or dissolved  
138 district, such district shall grant an employment interview to any permanent  
139 teacher of the lapsed or dissolved district upon the request of such permanent  
140 teacher.

141 [9. (1) The governing body of a school district, upon an initial declaration  
142 by the state board of education that such district is provisionally accredited, may,  
143 and, upon an initial declaration by the state board of education that such district  
144 is unaccredited, shall develop a plan to be submitted to the voters of the school  
145 district to divide the school district if the district cannot attain accreditation  
146 within three years of the initial declaration that such district is unaccredited. In  
147 the case of such a district being declared unaccredited, such plan shall be  
148 presented to the voters of the district before the district lapses. In the case of  
149 such a district being declared provisionally accredited, such plan may be  
150 presented before the close of the current accreditation cycle.

151 (2) The plan may provide that the school district shall remain intact for  
152 the purposes of assessing, collecting and distributing taxes for support of the  
153 schools, and the governing body of the district shall develop a plan for the  
154 distribution of such taxes equitably on a per-pupil basis if the district selects this  
155 option.

156 (3) The makeup of the new districts shall be racially balanced as far as  
157 the proportions of students allow.

158 (4) If a majority of the district's voters approve the plan, the state board  
159 of education shall cooperate with the local board of education to implement the  
160 plan, which may include use of the provisions of this section to provide an orderly  
161 transition to new school districts and achievement of accredited status for such  
162 districts.

163 10.] 7. In the event that a school district with an enrollment in excess of  
164 five thousand pupils lapses, no school district shall have all or any part of such  
165 lapsed school district attached without the approval of the board of the receiving  
166 school district.

162.083. 1. The state board of education may appoint additional members  
2 to any special administrative board appointed under section 162.081.

3 2. The state board of education may set a final term of office for any  
4 member of a special administrative board, after which a successor member shall

5 be elected by the voters of the district.

6 (1) All final terms of office for members of the special administrative  
7 board established under this section shall expire on June thirtieth.

8 (2) The election of a successor member shall occur on the general  
9 municipal election day immediately prior to the expiration of the final term of  
10 office.

11 (3) The election shall be conducted in a manner consistent with the  
12 election laws applicable to the school district.

13 3. Nothing in this section shall be construed as barring an otherwise  
14 qualified member of the special administrative board from standing for an elected  
15 term on the board.

16 4. [If the state board of education appoints a successor member to replace  
17 the chair of the special administrative board, the serving members of the special  
18 administrative board shall be authorized to appoint a superintendent of schools  
19 and contract for his or her services.

20 5.] On a date set by the state board of education, any district operating  
21 under the governance of a special administrative board shall return to local  
22 governance, and continue operation as a school district as otherwise authorized  
23 by law.

**162.1300. If a change in school district boundary lines occurs  
2 under section 162.223, 162.431, 162.441, or 162.451, or by action of the  
3 state board of education under section 162.081, including attachment  
4 of a school district's territory to another district or dissolution, such  
5 that a school district receives additional students as a result of such  
6 change, the statewide assessment scores and all other performance data  
7 for those students whom the district received shall not be used for  
8 three years when calculating the performance of the receiving district  
9 for three school years for purposes of the Missouri school improvement  
10 program.**

**167.800. For purposes of sections 167.800 to 167.824, the following  
2 terms shall mean:**

3 (1) "Department", the department of elementary and secondary  
4 education;

5 (2) "Diabetes medical management plan", a document developed  
6 by the student's personal health care team that sets out the health  
7 services needed by the student at school and is signed by the student's

8 personal health care team and parent or guardian;

9 (3) "District" or "school district", shall have the same meaning as  
10 used in subdivision (1) of section 160.011;

11 (4) "School", shall include any elementary or secondary public  
12 school or charter school located within the state of Missouri;

13 (5) "School employee", shall include any person employed by a  
14 school district or charter school, any person employed by a local health  
15 department who is assigned to a school district or charter school, or  
16 any subcontractor designated for this function;

17 (6) "Trained diabetes care personnel", a school employee who  
18 volunteers to be trained in accordance with section 167.803. Such  
19 employee need not be a health care professional.

167.803. 1. By January 15, 2014, the department of elementary  
2 and secondary education shall develop guidelines for the training of  
3 school employees in the care needed for students with diabetes. These  
4 training guidelines shall be developed in consultation with: the  
5 department of health and senior services, the American Diabetes  
6 Association, American Association of Diabetes Educators, School Nurses  
7 Association, Diabetes Control Program, and the state board of  
8 nursing. The school board of each school district and the governing  
9 body of each charter school may adopt and implement the training  
10 guidelines and annual diabetes training programs for all school nurses  
11 and diabetes care personnel. The training guidelines developed by the  
12 department shall address, but not be limited to, the following:

13 (1) Recognition and treatment of hypoglycemia and  
14 hyperglycemia;

15 (2) Understanding the appropriate actions to take when blood  
16 glucose levels are outside of the target ranges indicated by a student's  
17 diabetes medical management plan;

18 (3) Understanding physician instructions concerning diabetes  
19 medication drug dosage, frequency, and the manner of administration;

20 (4) Performance of finger-stick blood glucose checking, ketone  
21 checking, and recording the results;

22 (5) The administration of glucagon and insulin and the recording  
23 of results;

24 (6) Understanding how to perform basic insulin pump functions;

25 (7) Recognizing complications that require emergency assistance;

26 and

27 (8) Understanding recommended schedules and food intake for  
28 meals and snacks, the effect of physical activity upon blood glucose  
29 levels, and actions to be implemented in the case of schedule  
30 disruption.

31 2. If the school board of a school district or the governing body  
32 of a charter school adopts and implements the training guidelines  
33 developed by the department, it shall insure that the training outlined  
34 in subsection 1 of this section is provided to a minimum of three school  
35 employees at each school attended by a student with diabetes. If at any  
36 time fewer than three school employees are available to be trained at  
37 such a school, the principal or other school administrator shall  
38 distribute to all staff members a written notice seeking volunteers to  
39 serve as diabetes care personnel. The notice shall inform staff of the  
40 following:

41 (1) The school shall provide diabetes care to one or more  
42 students with diabetes and is seeking personnel willing to be trained  
43 to provide that care;

44 (2) The tasks to be performed;

45 (3) Participation is voluntary and the school district or school  
46 shall take no action against any staff member who does not volunteer  
47 to be designated;

48 (4) Training shall be provided to employees who volunteer to  
49 provide care;

50 (5) Trained personnel are protected from liability under section  
51 167.821; and

52 (6) The identity and contact information of the individual who  
53 should be contacted to volunteer.

54 3. School employees shall not be subject to any penalty or  
55 disciplinary action for refusing to serve as trained diabetes care  
56 personnel nor shall a school or school district discourage employees  
57 from volunteering for training.

58 4. If a charter school or school district adopts and implements  
59 the training guidelines outlined in subsection 1 of this section, it shall  
60 be coordinated by a school nurse, if the school district or charter  
61 school has a school nurse, and provided by a school nurse or another  
62 health care professional with expertise in diabetes. Such training shall

63 take place prior to the commencement of each school year, or as needed  
64 when a student with diabetes is newly enrolled at a school or a student  
65 is newly diagnosed with diabetes, but in no event more than thirty days  
66 following such enrollment or diagnosis. The school nurse or another  
67 health care professional with expertise in diabetes shall promptly  
68 provide follow-up training and supervision as needed. Coordination,  
69 delegation, and supervision of care shall be performed by a school  
70 nurse or other qualified health care professional.

71 5. Each school district and charter school may provide training  
72 in the recognition of hypoglycemia and hyperglycemia and actions to  
73 take in response to emergency situations to all school personnel who  
74 have primary responsibility for supervising a child with diabetes  
75 during some portion of the school day and to bus drivers responsible  
76 for the transportation of a student with diabetes.

167.806. The parent or guardian of each student with diabetes  
2 who seeks diabetes care while at school should submit to the school a  
3 diabetes medical management plan, which upon receipt shall be  
4 reviewed by the school.

167.809. 1. The school board of each school district and the  
2 governing body of each charter school may provide all students with  
3 diabetes in the school or district appropriate and needed diabetes care  
4 as specified in their diabetes medical management plan. In accordance  
5 with the request of the parent or guardian of a student with diabetes  
6 and the student's diabetes medical management plan, the school nurse  
7 or, in the absence of the school nurse, trained diabetes care personnel,  
8 may perform diabetes care functions including, but not limited to:

9 (1) Checking and recording blood glucose levels and ketone  
10 levels or assisting a student with such checking and recording;

11 (2) Responding to blood glucose levels that are outside of the  
12 student's target range;

13 (3) Administering glucagon and other emergency treatments as  
14 prescribed;

15 (4) Administering insulin or assisting a student in administering  
16 insulin through the insulin delivery system the student uses;

17 (5) Providing oral diabetes medications; and

18 (6) Following instructions regarding meals, snacks, and physical  
19 activity.

20           2. The school nurse or at least one of the trained diabetes care  
21 personnel may be on site and available to provide care to each student  
22 with diabetes as set forth in subsection 1 of this section during regular  
23 school hours and during all school sponsored activities, including  
24 school-sponsored before school and after school care programs, field  
25 trips, extended off-site excursions, extracurricular activities, and on  
26 buses when the bus driver has not completed the necessary training.

167.812. 1. Notwithstanding any provision of law to the contrary,  
2 the activities set forth in subsection 1 of section 167.809 shall not  
3 constitute the practice of nursing and shall be exempted from all  
4 applicable statutory and regulatory provisions that restrict what  
5 activities can be delegated to or performed by a person who is not a  
6 licensed health care professional.

7           2. Notwithstanding any provision of law to the contrary, it shall  
8 be lawful for a licensed health care professional to provide training to  
9 school employees in the activities set forth in subsection 1 of section  
10 167.809 or to supervise such school personnel in performing these tasks.

11           3. Nothing in this act shall exceed the rights of eligible students  
12 or the obligations of school districts under the Individuals with  
13 Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.*, Section 504 of  
14 the Rehabilitation Act, 29 U.S.C. Section 794, or the Americans with  
15 Disabilities Act, 42 U.S.C. Section 12101 *et seq.*

167.818. Upon written request of the parent or guardian and  
2 authorization by the student's diabetes medical management plan, a  
3 student with diabetes shall be permitted to perform blood glucose  
4 checks, administer insulin through the insulin delivery system the  
5 student uses, treat hypoglycemia and hyperglycemia, and otherwise  
6 attend to the care and management of his or her diabetes in the  
7 classroom, in any area of the school or school grounds, and at any  
8 school-related activity, and to possess on his or her person at all times  
9 all necessary supplies and equipment to perform these monitoring and  
10 treatment functions. If the parent or student so requests, the student  
11 shall have access to a private area for performing diabetes care tasks.

167.821. No physician, nurse, school employee, charter school or  
2 school district shall be liable for civil damages or subject to  
3 disciplinary action under professional licensing regulations or school  
4 disciplinary policies as a result of the activities authorized by sections

5 **167.800 to 167.824 when such acts are committed as an ordinarily**  
6 **reasonably prudent person would have acted under the same or similar**  
7 **circumstances.**

167.824. 1. **By January 15, 2014, the department of elementary**  
2 **and secondary education shall promulgate rules and regulations to**  
3 **implement the provisions of sections 167.800 to 167.824.**

4 **2. Any rule or portion of a rule, as that term is defined in section**  
5 **536.010, that is created under the authority delegated in this section**  
6 **shall become effective only if it complies with and is subject to all of**  
7 **the provisions of chapter 536 and, if applicable, section 536.028. This**  
8 **section and chapter 536 are nonseverable and if any of the powers**  
9 **vested with the general assembly pursuant to chapter 536, to review, to**  
10 **delay the effective date, or to disapprove and annul a rule are**  
11 **subsequently held unconstitutional, then the grant of rulemaking**  
12 **authority and any rule proposed or adopted after August 28, 2013, shall**  
13 **be invalid and void.**

168.221. 1. The first five years of employment of all teachers entering the  
2 employment of the metropolitan school district shall be deemed a period of  
3 probation during which period all appointments of teachers shall expire at the  
4 end of each school year. During the probationary period any probationary teacher  
5 whose work is unsatisfactory shall be furnished by the superintendent of schools  
6 with a written statement setting forth the nature of his **or her** incompetency. If  
7 improvement satisfactory to the superintendent is not made within one semester  
8 after the receipt of the statement, the probationary teacher shall be  
9 dismissed. The semester granted the probationary teacher in which to improve  
10 shall not in any case be a means of prolonging the probationary period beyond  
11 five years and six months from the date on which the teacher entered the employ  
12 of the board of education. The superintendent of schools on or before the fifteenth  
13 day of April in each year shall notify probationary teachers who will not be  
14 retained by the school district of the termination of their services. Any  
15 probationary teacher who is not so notified shall be deemed to have been  
16 appointed for the next school year. Any principal who prior to becoming a  
17 principal had attained permanent employee status as a teacher shall upon  
18 ceasing to be a principal have a right to resume his or her permanent teacher  
19 position with the time served as a principal being treated as if such time had  
20 been served as a teacher for the purpose of calculating seniority and pay

21 scale. The rights and duties and remuneration of a teacher who was formerly a  
22 principal shall be the same as any other teacher with the same level of  
23 qualifications and time of service.

24           2. After completion of satisfactory probationary services, appointments of  
25 teachers shall become permanent, subject to removal for any one or more causes  
26 herein described and to the right of the board to terminate the services of all who  
27 attain the age of compulsory retirement fixed by the retirement system. In  
28 determining the duration of the probationary period of employment in this section  
29 specified, the time of service rendered as a substitute teacher shall not be  
30 included.

31           3. No teacher whose appointment has become permanent may be removed  
32 except for one or more of the following causes: immorality, **incompetency, or**  
33 inefficiency in line of duty, violation of the published regulations of the school  
34 district, violation of the laws of Missouri governing the public schools of the state,  
35 or physical or mental condition which incapacitates him for instructing or  
36 associating with children, and then only by a vote of not less than a majority of  
37 all the members of the board, upon written charges presented by the  
38 superintendent of schools, to be heard by the board after thirty days' notice, with  
39 copy of the charges served upon the person against whom they are preferred, who  
40 shall have the privilege of being present at the hearing, together with counsel,  
41 offering evidence and making defense thereto. [Notifications received by an  
42 employee during a vacation period shall be considered as received on the first day  
43 of the school term following.] At the request of any person so charged the hearing  
44 shall be public. During any time in which powers granted to the district's board  
45 of education are vested in a special administrative board, the special  
46 administrative board may appoint a hearing officer to conduct the hearing. The  
47 hearing officer shall conduct the hearing as a contested case under chapter 536  
48 and shall issue a written recommendation to the board rendering the charges  
49 against the teacher. The board shall render a decision on the charges upon the  
50 review of the hearing officer's recommendations and the record from the  
51 hearing. The action and decision of the board upon the charges shall be  
52 final. Pending the hearing of the charges, the person charged may be suspended  
53 if the rules of the board so prescribe, but in the event the board does not by a  
54 majority vote of all the members remove the teacher upon charges presented by  
55 the superintendent, the person shall not suffer any loss of salary by reason of the  
56 suspension. **Incompetency or** inefficiency in line of duty is cause for dismissal

57 only after the teacher has been notified in writing at least [one semester] **thirty**  
58 **days** prior to the presentment of charges against him by the superintendent. The  
59 notification shall specify the nature of the **incompetency or** inefficiency with  
60 such particularity as to enable the teacher to be informed of the nature of his **or**  
61 **her incompetency or** inefficiency.

62 4. No teacher whose appointment has become permanent shall be demoted  
63 nor shall his **or her** salary be reduced unless the same procedure is followed as  
64 herein stated for the removal of the teacher because of inefficiency in line of duty,  
65 and any teacher whose salary is reduced or who is demoted may waive the  
66 presentment of charges against him by the superintendent and a hearing thereon  
67 by the board. The foregoing provision shall apply only to permanent teachers  
68 prior to the compulsory retirement age under the retirement system. Nothing  
69 herein contained shall in any way restrict or limit the power of the board of  
70 education to make reductions in the number of teachers or principals, or both,  
71 because of insufficient funds, decrease in pupil enrollment, or abolition of  
72 particular subjects or courses of instruction, except that the abolition of particular  
73 subjects or courses of instruction shall not cause those teachers who have been  
74 teaching the subjects or giving the courses of instruction to be placed on leave of  
75 absence as herein provided who are qualified to teach other subjects or courses  
76 of instruction, if positions are available for the teachers in the other subjects or  
77 courses of instruction.

78 5. Whenever it is necessary to decrease the number of teachers because  
79 of insufficient funds or a substantial decrease of pupil population within the  
80 school district, the board of education upon recommendation of the  
81 superintendent of schools may cause the necessary number of teachers beginning  
82 with those serving probationary periods to be placed on leave of absence without  
83 pay, but only in the inverse order of their appointment. Nothing herein stated  
84 shall prevent a readjustment by the board of education of existing salary  
85 schedules. No teacher placed on a leave of absence shall be precluded from  
86 securing other employment during the period of the leave of absence. Each  
87 teacher placed on leave of absence shall be reinstated in inverse order of his **or**  
88 **her** placement on leave of absence. Such reemployment shall not result in a loss  
89 of status or credit for previous years of service. [No new appointments shall be  
90 made while there are available teachers on leave of absence who are seventy  
91 years of age or less and who are adequately qualified to fill the vacancy unless  
92 the teachers fail to advise the superintendent of schools within thirty days from

93 the date of notification by the superintendent of schools that positions are  
94 available to them that they will return to employment and will assume the duties  
95 of the position to which appointed not later than the beginning of the school year  
96 next following the date of the notice by the superintendent of schools] **No**  
97 **appointment of new teachers shall be made while there are available**  
98 **teachers on unrequested leave of absence who are properly qualified**  
99 **to fill such vacancies. Such leave of absence shall not impair the**  
100 **tenure of a teacher. The leave of absence shall continue for a period of**  
101 **not more than three years unless extended by the board.**

102 6. If any regulation which deals with the promotion of teachers is  
103 amended by increasing the qualifications necessary to be met before a teacher is  
104 eligible for promotion, the amendment shall fix an effective date which shall allow  
105 a reasonable length of time within which teachers may become qualified for  
106 promotion under the regulations.

107 7. A teacher whose appointment has become permanent may give up the  
108 right to a permanent appointment to participate in the teacher choice  
109 compensation package under sections 168.745 to 168.750.

171.181. In making purchases, the school board, officer, or employee of  
2 any school district shall give preference to all commodities, manufactured, mined,  
3 produced or grown within the state and to all firms, corporations or individuals  
4 doing business as Missouri firms, corporations, or individuals, when quality and  
5 price are approximately the same; provided, however, that any board member,  
6 officer or employee of a seven-director school district, [any portion of which is  
7 located in a first class county, selling or providing such commodities to the school  
8 district shall be guilty of a class A misdemeanor and shall forfeit his position with  
9 the school district and provided further that any board member, officer or  
10 employee of a seven-director school district,] any portion of which is located in a  
11 county of the **first**, second, third or fourth class, selling or providing such  
12 commodities to the school district except as provided in sections 105.450 to  
13 105.458 shall be guilty of a class A misdemeanor and shall forfeit his position  
14 with the school district.

171.415. 1. **The provisions of this section shall be known as the**  
2 **"Parent and Community School Information Act" and shall apply to each**  
3 **public school attendance center in a school district and to each charter**  
4 **school except for any attendance center or charter school that does not**  
5 **test more than fifty percent of its students on state standardized tests**

6 used to determine the district's student achievement scores on the  
7 Missouri school improvement program.

8       2. The department of elementary and secondary education shall  
9 produce a simplified annual school attendance center report,  
10 separately from the information required by section 160.522.

11       3. The simplified attendance center report shall not be construed  
12 to be part of the school improvement program; the report shall be for  
13 informational rather than evaluative purposes.

14       4. The department of elementary and secondary education shall  
15 provide a link between the report card referred to in section 160.522  
16 and the simplified attendance center report. The department shall  
17 make an annual report to the joint committee on education of its  
18 progress in establishing the report and in simplifying access to the  
19 information in the department's data portal.

20       5. The first simplified annual report shall be distributed before  
21 December 1, 2015. The school shall notify parents and the community  
22 about the contents of the report and provide directions for accessing  
23 the information. The department shall include a direct link from its  
24 home page to the instructions for accessing the simplified attendance  
25 center report.

26       6. For the purposes of this report, the department of elementary  
27 and secondary education shall also collect information from the  
28 principal in each attendance center or charter school that provides  
29 context and background information that he or she deems necessary to  
30 a full understanding of the attendance center's or charter school's  
31 scores and also explain all programs and services that is provided to  
32 students.

33       7. In order to implement the provisions of this section, the  
34 department of elementary and secondary education shall promulgate  
35 rules establishing a report that is easy for the general public to  
36 understand and contains information from the school improvement  
37 program that accurately reflects the performance level of individual  
38 attendance centers and charter schools.

39       8. Any rule or portion of a rule, as that term is defined in section  
40 536.010, that is created under the authority delegated in this section  
41 shall become effective only if it complies with and is subject to all of  
42 the provisions of chapter 536 and, if applicable, section 536.028. This

43 **section and chapter 536 are nonseverable and if any of the powers**  
44 **vested with the general assembly pursuant to chapter 536 to review, to**  
45 **delay the effective date, or to disapprove and annul a rule are**  
46 **subsequently held unconstitutional, then the grant of rulemaking**  
47 **authority and any rule proposed or adopted after August 28, 2013, shall**  
48 **be invalid and void.**

178.550. [The president of the state board of education shall annually  
2 appoint a committee of five members to be known as the "State Advisory  
3 Committee for Vocational Education". The state advisory committee shall consist  
4 of one person of experience in agriculture; one employer; one representative of  
5 labor; one person of experience in home economics; one person of experience in  
6 commerce. The state commissioner of education is ex officio a member and the  
7 chairman of the advisory committee. The state board of education shall formulate  
8 general principles and policies for the administration of sections 178.420 to  
9 178.580, which, when they have been approved by the state advisory committee,  
10 shall be put into effect. Joint conferences between the state board of education  
11 and advisory committee shall be held at least four times each year. All members  
12 of the state advisory committee shall be reimbursed for their actual expenses in  
13 attending the conferences.] **1. This section shall be known and may be**  
14 **cited as the career and technical education student protection**  
15 **act. There is hereby established the "Career and Technical Education**  
16 **Advisory Council" within the department of elementary and secondary**  
17 **education.**

18 **2. The advisory council shall be composed of eleven members**  
19 **who shall be Missouri residents, appointed by the governor with the**  
20 **advice and consent of the senate:**

21 **(1) A director or administrator of a career and technical**  
22 **education center;**

23 **(2) An individual from the business community with a**  
24 **background in commerce;**

25 **(3) A representative from Linn State Technical College;**

26 **(4) Three current or retired career and technical education**  
27 **teachers who also serve or served as an advisor to any of the**  
28 **nationally-recognized career and technical education student**  
29 **organization of:**

30 **(a) DECA;**

- 31           **(b) Future Business Leaders of America (FBLA);**  
32           **(c) FFA;**  
33           **(d) Family, Career and Community Leaders of America (FCCLA);**  
34           **(e) Health Occupations Students of America (HOSA);**  
35           **(f) SkillsUSA; or**  
36           **(g) Technology Student Association (TSA);**  
37           **(5) A representative from a business organization, association of**  
38 **businesses, or a business coalition;**  
39           **(6) A representative from a Missouri community college;**  
40           **(7) A representative from Southeast Missouri State University or**  
41 **the University of Central Missouri;**  
42           **(8) An individual participating in an apprenticeship recognized**  
43 **by the department of labor and industrial relations or approved by the**  
44 **United States Department of Labor's Office of Apprenticeship;**  
45           **(9) A school administrator or school superintendent of a school**  
46 **that offers career and technical education.**
- 47           **3. Members shall serve a term of five years except for the initial**  
48 **appointments, which shall be for the following lengths:**
- 49           **(1) One member shall be appointed for a term of one year;**  
50           **(2) Two members shall be appointed for a term of two years;**  
51           **(3) Two members shall be appointed for a term of three years;**  
52           **(4) Three members shall be appointed for a term of four years;**  
53           **(5) Three members shall be appointed for a term of five years.**
- 54           **4. The advisory council shall have three non-voting ex-officio**  
55 **members:**
- 56           **(1) A director of guidance and counseling services at the**  
57 **department of elementary and secondary education, or a similar**  
58 **position if such position ceases to exist;**  
59           **(2) The director of the division of workforce development; and**  
60           **(3) A member of the coordinating board for higher education, as**  
61 **selected by the coordinating board.**
- 62           **5. The assistant commissioner for the office of college and career**  
63 **readiness of the department of elementary and secondary education**  
64 **shall provide staff assistance to the advisory council.**
- 65           **6. The advisory council shall meet at least four times**  
66 **annually. The advisory council may make all rules it deems necessary**  
67 **to enable it to conduct its meetings, elect its officers, and set the terms**

68 and duties of its officers. The advisory council shall elect from amongst  
69 its members a chairperson, vice chairperson, a secretary-reporter, and  
70 such other officers as it deems necessary. Members of the advisory  
71 council shall serve without compensation but may be reimbursed for  
72 actual expenses necessary to the performance of their official duties for  
73 the advisory council.

74 7. Any business to come before the advisory council shall be  
75 available on the advisory council's internet website at least seven  
76 business days prior to the start of each meeting. All records of any  
77 decisions, votes, exhibits, or outcomes shall be available on the  
78 advisory council's internet website within forty-eight hours following  
79 the conclusion of every meeting. Any materials prepared for the  
80 members shall be delivered to the members at least five days before the  
81 meeting, and to the extent such materials are public records as defined  
82 in section 610.010 and are not permitted to be closed under section  
83 610.021, shall be made available on the advisory council's internet  
84 website at least five business days in advance of the meeting.

85 8. The advisory council shall make an annual written report to  
86 the state board of education and the commissioner of education  
87 regarding the development, implementation, and administration of the  
88 state budget for career and technical education.

89 9. The advisory council shall annually submit written  
90 recommendations to the state board of education and the commissioner  
91 of education regarding the oversight and procedures for the handling  
92 of funds for student career and technical education organizations.

93 10. The advisory council shall:

- 94 (1) Develop a comprehensive statewide short- and long-range  
95 strategic plan for career and technical education;
- 96 (2) Identify service gaps and provide advice on methods to close  
97 such gaps as they relate to youth and adult employees, workforce  
98 development, and employers on training needs;
- 99 (3) Confer with public and private entities for the purpose of  
100 promoting and improving career and technical education;
- 101 (4) Identify legislative recommendations to improve career and  
102 technical education;
- 103 (5) Promote coordination of existing career and technical  
104 education programs;

105           **(6) Adopt, alter, or repeal by its own bylaws, rules, and**  
106 **regulations governing the manner in which its business may be**  
107 **transacted.**

108           **11. For purposes of this section, the department of elementary**  
109 **and secondary education shall provide such documentation and**  
110 **information as to allow the advisory council to be effective.**

111           **12. For purposes of this section, "advisory council" shall mean the**  
**career and technical education advisory council.**

**Section 1. The Missouri state training center for the D.A.R.E.**  
2 **program shall develop the curriculum and certification requirements**  
3 **for school resource officers. At a minimum, school resource officers**  
4 **must complete forty hours of basic school resource officer training to**  
5 **include legal operations within an educational environment, intruder**  
6 **training and planning, juvenile law, and any other relevant topics**  
7 **relating to the job and functions of a school resource officer.**

[168.291. Whenever it is necessary to decrease the number  
2 of employees because of insufficient funds or decrease in pupil  
3 enrollment or lack of work the board of education may cause the  
4 necessary number of employees, beginning with those serving  
5 probationary periods, to be placed on leave of absence without pay,  
6 but only in the inverse order of their appointment. Each employee  
7 placed on leave of absence shall be reinstated in inverse order of  
8 his placement on leave of absence. Such reemployment shall not  
9 result in a loss of status or credit for previous periods of  
10 service. No new appointments shall be made while there are  
11 available employees on leave of absence who have not attained the  
12 age of seventy years and who are adequately qualified to fill the  
13 vacancy in the particular department unless the employees fail to  
14 advise the board within thirty days from date of notification by the  
15 board that positions are available to them, that they will return to  
16 employment, and will assume the duties of the position to which  
17 they are appointed not later than the beginning of the month  
18 following the date of the notice by the board.]

**Section B. Because of the need to provide immediate guidance on the**  
2 **operations of unaccredited school districts, the repeal and reenactment of sections**  
3 **162.081 and 162.083 and the enactment of section 162.1300 of this act is deemed**

4 necessary for the immediate preservation of the public health, welfare, peace and  
5 safety, and is hereby declared to be an emergency act within the meaning of the  
6 constitution, and the repeal and reenactment of sections 162.081 and 162.083 and  
7 the enactment of section 162.1300 of this act shall be in full force and effect upon  
8 its passage and approval.

✓

Unofficial

Bill

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